IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5990 of 2005
Date of Decision: August 29, 2006

Minakshi .....Petitioner

versus

Virender Singh Gill .....Respondent

Present:- Shri U.K. Agnihotri, Advocate, for the petitioner

Shri Tarun Gupta, Advocate, for the respondent

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 28.07.2005 whereby a sum of Rs.2800/- was awarded as maintenance pendente lite and Rs.5000/- as litigation expenses.

It is contended by learned counsel for the petitioner that total salary of the respondent is Rs.15127/- as per last pay certificate dated 27.05.2005. After the said amount, voluntary deduction of Rs.5000/- on account of GPF is reflected which cannot be taken into consideration for determining the disposable income in the hands of the respondent.

Learned counsel for the respondent has submitted that the respondent is paying monthly fee as well as hostel expenses of the daughter and, therefore, the amount of maintenance has been justly awarded to the petitioner.

After hearing learned counsel for the parties, I am of the opinion that the amount of maintenance awarded to the petitioner is inadequate. The general rule of awarding maintenance is 1/3rd of total salary. But keeping in view the statement of learned counsel for the respondent that he is paying monthly fee as well as hostel expenses of the daughter of the parties, though deposit of fee and hostel expenses is disputed by the petitioner, I deem it appropriate to award a sum of Rs.4000/- per month as maintenance pendente lite to the petitioner. Such amount shall be payable from the date the application under section 24 of the Hindu Marriage Act, 1955, was filed before the learned trial Court. The arrears shall be paid within three months from today. It is clarified that such order of maintenance is subject to the condition that the respondent shall deposit monthly tuition fee and hostel expenses of the daughter of the parties.

The revision petition stands disposed of accordingly.

August 29, 2006 (HEMANT GUPTA)
ks JUDGE